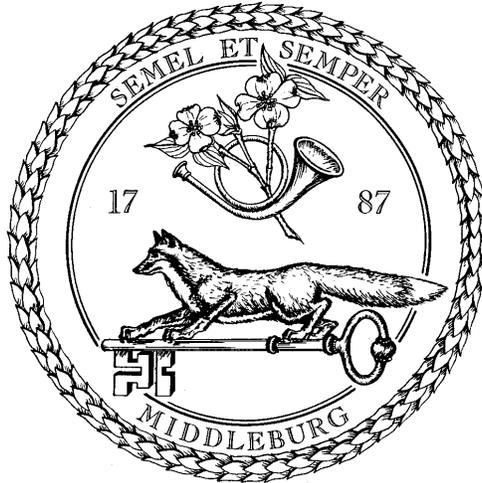


# SUPPLEMENTAL WATER & SEWER REGULATIONS



**Town of Middleburg  
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Middleburg, Virginia 20118  
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**Amended: January 9, 2014**

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In addition to the requirements set forth in Town Code Chapter 83.1 pertaining to sewers and Chapter 113 pertaining to water, the following regulations and/or programs shall apply:

## ARTICLE 1 - CROSS CONNECTION CONTROL PROGRAM

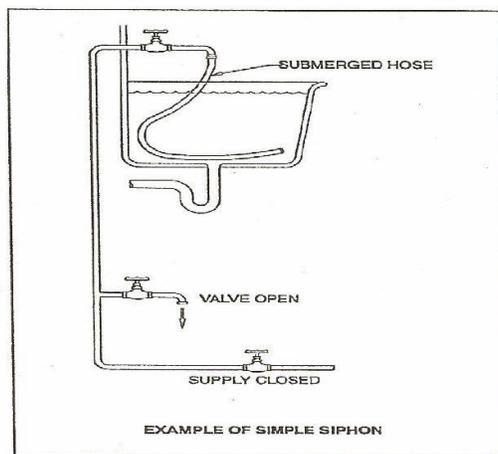
### Background Purpose

A cross-connection is a link between a potable water system (water that is safe to drink) and a non-potable system (water or other liquids that are not considered safe to drink or are of questionable quality), such as:

- 1) Another water supply of inferior quality (for example, a private well that is not monitored regularly)
- 2) Chemical solutions and toxic substances (such as antifreeze)
- 3) Non-potable water (untreated water used in industrial processes, irrigation, auxiliary supplies used for fire fighting)
- 4) Nontoxic liquids that should not be in the potable water system (beverages such as beer, wine, milk)

A cross-connection can allow undesirable liquids to enter the potable water system through piping systems such as boiler feed lines, chemical mixing vats or temporary connections like hoses or submerged lines. In the presence of a cross-connection, a strong backflow can draw liquid from non-potable sources and pull it back into the public waterworks creating contamination.

Public health becomes a great concern as the contamination typically occurs after the water has been treated. Serious health-related problems can arise such as waterborne diseases like hepatitis and typhoid and poisoning from ingesting toxic substances like pesticides or boiler treatment chemicals. Contamination may be confined to a single building or may involve an entire community.



As the supplier, the Town has the responsibility to provide safe drinking water to the public. By treating, disinfecting and testing the water supply to be sure it meets Virginia Department of Health (VDH) standards for drinking water, the Town takes all necessary steps to ensure the water entering the drinking water distribution system is safe.

It is also the Town's responsibility to protect the water quality once the water enters the distribution system. This system includes pumps, valves, meters and all of the piping that connects the water plant to a user's water service. Some types of contaminants such as petroleum-based products, for instance, are very difficult, if not impossible, to thoroughly remove from the system once they are introduced. Removal of these contaminants may require replacement of distribution system components and an interruption of water service to the public.

Cross-connection devices ensure that the water and the distribution system are protected. Investing in adequate protective devices such as backflow preventers and maintaining them with annual inspections not only protects the public water system, but protects the public as well. The Town's Cross-Connection and Backflow Prevention Program is intended to partner with all Town users to ensure water quality is maintained throughout the distribution system.

### **Conditions that Lead to Backflow**

In order for potable water to be contaminated by a non-potable substance through a cross-connection, two conditions must exist simultaneously:

- 1) A force that causes liquids in a system to move; and
- 2) A link that connects the two systems.

Backflow is liquid flowing through a pipe in the opposite direction from the direction it was intended to flow. Since a liquid always moves toward the point of the lowest pressure, a common appliance such as a hot water heater can increase pressure and cause a backflow into the public water supply.

A water break or heavy pull for fire suppression can also be the source of a backflow situation. Without backflow prevention, toxic chemicals would have the opportunity to enter the system, making it critical to be sure appropriate devices are in place and functioning properly.

### **Cross-Connection and Backflow Prevention Program**

In 1995, the Virginia Department of Health (VDH) adopted the Clean Water Act requiring all waterworks owners in the State of Virginia to monitor, test and report to the VDH the results of water quality testing. As part of this Act, a cross connection and backflow prevention program must be in place.

The Town has adopted a program which requires appropriate protection against backflow to be installed and maintained. The type and location of protection depends upon the type of business and degree of hazard that is present. Degree of hazard is divided into three categories:

Hazard Level	Hazard Risk	Types of Hazards or Activities	Suggested Devices
High	Contamination could cause serious illness or death, if consumed.	Medical, dental, laboratories, mortuaries, below grade lawn sprinkler systems, facilities that use chemicals for processing; fire sprinkler systems	Reduced pressure zone assembly (testable devices); Air gap
Moderate	Contamination could cause mild illness or discomfort. Not life-threatening.	Car washes, dishwashers, clothes washing, toilet tanks, solar heating systems	Air gap; Atmospheric vacuum breaker; Pressure vacuum breaker
Low	Contamination would be aesthetically objectionable, but does not affect health.	Private wells, food coolers, beverage dispensers, hose bibb	Air gap; Atmospheric

The table above is shown as a general reference and is not intended to be all-inclusive.

As part of this program, water users that need to employ backflow prevention devices must have the devices inspected and tested and the findings reported to the Town annually. The inspection and testing must be performed by a qualified, licensed plumber that is certified as a Backflow Prevention Device Worker by the Board for Contractors, Department of Professional and Occupational Regulation, Commonwealth of Virginia.

A Backflow Prevention Inspection/Testing form provided by the Town must be completed by a certified plumber to demonstrate an appropriate device is in place and functioning properly. The property owner is responsible for submitting this form to the Town. Failure to provide this information within a specified period of time could result in a disruption of water service.

The Backflow Prevention Inspection/Testing form will be kept on file as evidence that the water user has completed the required maintenance and testing inspection should the information be requested by the VDH or should a backflow situation arise.

### **Maintenance**

Backflow prevention devices must be inspected and tested annually. Most devices require an overhaul every five years to replace the internal rubber components and could require other repairs if testing fails. Those devices that are deemed to be untestable must be replaced at a minimum of every five years, and more frequently if an inspection indicates leakage, corrosion or other potential cause for failure. Any receipts for repair or replacement of a backflow prevention device should be maintained as evidence that the required maintenance was performed. The Backflow Prevention Inspection/Testing form should record any maintenance or repair activities since the last inspection and testing.

## **Residential Cross-Connection and Backflow Prevention**

Many residential applications also require backflow prevention devices that must be installed, monitored and maintained. Hoses left submerged in swimming pools, hoses in elevated locations above an outside spigot while watering shrubs, or having chemical sprayers attached while weed killing are all conditions that can be extremely hazardous.

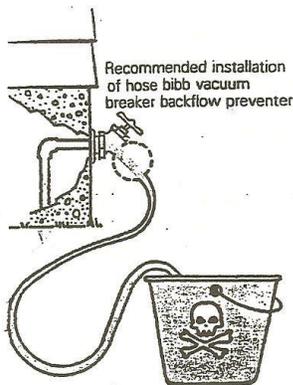
Other potential hazards can apply if hoses are left lying on the ground where contaminants such as fertilizer, garden chemicals, or cesspools exist.

Yard hydrants (that drain into the ground when turned off) need an approved backflow prevention device installed on the line feeding the hydrant. All hose bibbs, both inside and outside, except those for dishwashers and washing machines require vacuum breakers. Caution should be taken during cold weather as a vacuum breaker may prevent a spigot from draining properly and could allow the wall hydrant to freeze. Read the manufacturers recommendations for winter draining or purchase the type that self drain.

The water closet on a commode can also be a source of backflow allowing cleaning solutions to be siphoned back into the water system. Anti-siphon devices are readily available at your local hardware store.

Examples of how backflow can occur and ways to protect against it can be found below.

### **Basic Types of Cross-Connections and the Recommended Backflow Device**

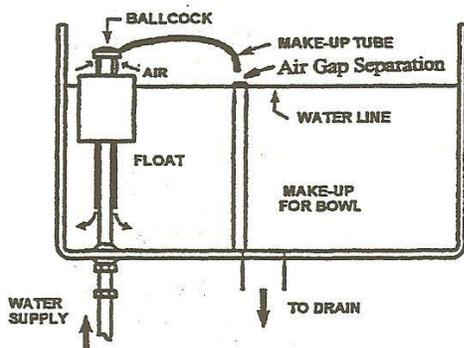


Hose Bibb Vacuum Breaker required

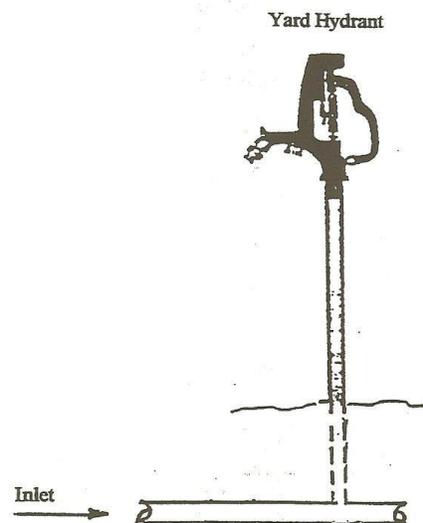


Hose Bibb Vacuum Breaker

## Basic Types of Cross-Connections and the Recommended Backflow Device



Anti-Siphon Flush Tank



This device causes water to seep out through weep holes. Other materials can enter the weep holes and contaminate water. A back flow prevention device, such as a dual check valve (DCV) is required on the service line to the yard hydrant.

### Owner's Responsibility

When a new business opens in Town, it is the responsibility of the owner to determine if a hazard exists and protect against that hazard, however small, from the possibility of affecting the water supply. If a residential consumer adds a new bathroom fixture, a lawn sprinkling system or other amenity that may cause backflow, the responsibility for protecting against a hazard is that of the owner.

All consumers of public water must be aware of the possibilities of contamination and the methods available to combat backflow and cross-connections. Maintaining safe drinking water requires everyone's participation.

## **Compliance with the Cross-Connection and Backflow Prevention Program**

Annually, the Town will send a form to all water users either known to have backflow prevention devices or considered to be potentially in need of backflow prevention. This includes those businesses or residences considered to have a high or moderate risk as noted above. This form must be completed by a licensed, state-certified plumber after inspection and testing when necessary of all backflow prevention devices and returned to the Town Office within 30 days of receipt.

Those that do not comply with this requirement will be sent a reminder letter and allowed an additional 30 days to comply with the request. After 30 days, the Town will assume that a cross-connection exists and will discontinue water service until the form is received by the Town. This precaution is taken to ensure that the public's drinking water system is protected.

## **ARTICLE 2 - GREASE, OIL & GRIT INTERCEPTOR PROGRAM**

Article IV in Town Code Chapter 83.1 contains the requirements associated with the Town's Grease, Oil and Grit Interceptor Program. Below are the design, sizing, construction and installation requirements for the associated pretreatment devices.

### **Design, Construction and Installation of Pretreatment Devices**

- A. Design, sizing calculations, construction details and location of pretreatment devices must be shown on sewer plans and certified by a Professional Engineer licensed by the Commonwealth of Virginia, must be submitted for review and approval by the Town Administrator and must be in accordance with the manufacturer's instructions and the requirements within the Town's Sewer Ordinance and/or these regulations. The Town Administrator will check the sizing calculations and construction details for general compliance with these guidelines. Discrepancies or inadequacies shall be identified in review comments, and must be fully addressed by the applicant's engineer prior to the Town's approval of the construction plans. The grease interceptor shall be designed to meet the Town's Sewer Ordinance limit for maximum oil and grease content at all times of discharge. The following features must be incorporated:
1. All grease bearing waste streams must be routed through an appropriate grease interceptor, including: three-compartment sinks, pot/pan sinks, soup kettles, hand washing sinks, dishwashers, mop sinks and floor drains. Drains that receive clear waste only, such as from ice machines and condensate from coils, may be plumbed to the sanitary system without passing through the grease interceptor with the condition that the receiving drain is a hub type that is a minimum of two inches above the finished floor.
  2. The detention time must be a minimum of thirty (30) minutes based on peak instantaneous flow (or maximum probable flow using total drainage fixture units) or of eight (8) hours based on average flow, but not too excessive to cause septicity and significant odor problems. Calculations shall be shown on the sewer plans.

3. The interceptor shall be partitioned and piped to provide at least two (2) skimming chambers.
4. The interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. It shall be of substantial construction and shall meet AASHTO H-20 loading criteria for locations subject to traffic loads. The structure shall be made watertight through bituminous coatings, joint gaskets, and pipe connection gaskets/seals. The number of access hatches/tubes shall be sufficient to permit adequate access for viewing and maintaining/cleaning out the interceptor.
5. When multiple tanks are authorized to be installed by the Town Administrator, the tanks must be connected in a series by placing them next to each other.
6. The effluent leaving the grease interceptor shall not have total oil and grease concentration, as determined by proper laboratory analytical methods, in excess of the discharge limit specified in the Town's Sewer Ordinance.
7. The interceptor shall be properly vented to allow for flow through the unit without creating potential odor problems. Interceptors should be placed a minimum of 20 feet from outdoor dining areas for odor control.
8. Grease interceptors must be installed at a minimum distance of ten (10) feet from sinks and dishwashers to allow for adequate cooling of the wastewater. Water temperatures must be less than 150 degrees prior to entering grease interceptors. The temperature at the flow control device inspection port shall be considered equivalent to the temperature of the influent.
9. Grease interceptors shall be equipped with a clean-out on the outside of the interceptor in both the influent and effluent pipes and a clean-out on the service line at the property line.
10. Manhole rings and covers shall not be less than twenty-four (24) inches in diameter. They shall be installed for each compartment to facilitate easy access for cleaning and inspection. The manholes lids shall be placed in such a manner that all internal piping is accessible for maintenance and inspection. The cover shall be at or near finished grade unless a grease interceptor design criterion requires an alternative size.
11. The influent shall enter each chamber below the static water level and the effluent shall discharge from below the static water level of the chamber.
12. An effluent sampling port shall be provided at the exit pipe or each interceptor where the interceptor effluent can be sampled prior to combining with other untreated flows.
13. The grease interceptor shall be installed on the user's property and in a location outside of the user's establishment, which provides access for inspection, cleaning, and maintenance, including plumbing. All interceptors shall be installed by a licensed State of Virginia Plumbing Contractor.
14. All liquid waste lines in food preparation areas shall discharge through the grease interceptor, except lines from restroom facilities, cooling unit condensate, and ice makers.
15. The minimum size of a grease interceptor shall be determined according to the type of operating facility, but shall not have a total liquid capacity of less than seven hundred and fifty (750) gallons, unless the grease interceptors' design criteria qualifies for the need of an alternative size.
16. These requirements are applicable to all commercial food service and automobile service establishments, including those that are undergoing (a) new construction; (b) interior remodeling to accommodate expansion or operational modifications; (c) changes of ownership/occupancy or (d) facilities which may be experiencing

difficulty in achieving compliance with maintenance and/or wastewater discharge limitations.

- B. The construction and/or installation of a grease/oil/grit interceptor must meet the following installation conditions:
1. Shop drawings and/or a catalogue cut for the selected unit must be submitted for the Town Administrator's review prior to the project's construction permit being executed. The Town Administrator will determine whether the selected unit meets the intent of the plans. Discrepancies and inadequacies will be identified by the Town Administrator and must be addressed prior to installation. The Town Administrator may allow the construction permit to be executed before a specific unit has been selected. In such cases, the applicant will be responsible for providing the submittal and addressing any comments in advance of ordering the device.
  2. The Town Administrator will review devices for compliance with approved shop drawings and/or catalogue cuts and shall oversee testing for water tightness.

### **Sizing Requirements for Pretreatment Devices for Food Service Establishments**

Sizing methods described herein are provided to determine the grease interceptor/pretreatment facility size that will afford the Town's treatment works a minimum degree of protection against grease and other obstructing materials. Sizing determinations are based on operational data provided by the user. In approving a user's plumbing or grease interceptor design, the Town does not accept liability for the failure of the system to adequately treat wastewater to achieve effluent quality requirements specified under the Town's Sewer Ordinance or these regulations. It is the responsibility of the user to insure the appropriate level of treatment necessary for compliance with the Town's Sewer Ordinance and the other applicable local, state or federal requirements. Minimum acceptable grease interceptor sizing shall be accomplished as follows:

*Grease Interceptor Sizing Formulas:* It is the responsibility of the user to ensure the wastewater discharged from their facility is in compliance with the Town's discharge limitations.

*Alternate Sizing Formula/Proposal:* Food service establishments that propose the use of alternate sizing techniques and/or procedures that result in calculations of less than the minimum specification requirements or are less than the minimum seven hundred fifty (750) gallon sized requirements, must submit formulas and other basis to support the proposed grease interceptors' size/installation. Said submission should provide documentation of the system's ability to meet effluent quality requirements. The submission must be signed by a Professional Engineer licensed by the Commonwealth of Virginia and shall include calculations and justification for the nonstandard installation. Submission will be considered on an individual basis.

### **Sizing Requirements for Pretreatment Devices for Automobile Service Establishments and Car Washes**

The following sizing requirements are applicable to all automobile repair service establishments and car washes:

*Car Washes:*

1. Where automobiles are washed, including detail shops utilizing hand-wash practices, separators shall have a minimum capacity of one thousand (1,000) gallons for the first bay, with an additional five hundred (500) gallons of capacity for every other bay.
2. An effluent sample port shall be provided for all traps.

*Automotive Repair Facilities (Garage and Service Stations):*

1. Where automobiles are service, greased, or repaired or where gasoline is dispensed, oil/water separators shall have a minimum capacity of five hundred (500) gallons for the first one thousand (1,000) square feet of area to be drained, plus two hundred fifty (250) gallons for each additional one thousand (1,000) square feet of area to be drained into the separator.
2. Parking garages in which servicing, repairing, or washing is not conducted, and in which gasoline is not dispensed shall not require a separator. Areas of commercial garages utilized only for the storage of automobiles are not required to be drained through a separator.

### ARTICLE 3 - HAZARDOUS WASTE

In addition to the requirements contained in Town Code Chapter 83.1 pertaining to sewers, users shall comply with the following regulations:

#### **Application for Wastewater Discharge Permit**

##### **Wastewater Analysis**

When requested by the Town Administrator, a user shall submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Town Administrator is authorized to prepare a form for this purpose and may periodically require users to update this information.

##### **Wastewater Discharge Permit Requirement**

- A. No significant industrial user shall discharge wastewater into the treatment works without first obtaining a wastewater discharge permit from the Town Administrator, except that a significant industrial user that has filed a timely application pursuant to the requirements of these regulations may continue to discharge for the time period specified therein.
- B. The Town Administrator may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of the sewer ordinance and these regulations.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Town Code and subjects the wastewater discharge permittee to the sanctions set out in Town Code Sections 83.1-10 through 83.1-11. Obtaining a wastewater discharge permit shall not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

### **Wastewater Discharge Permitting: Existing Connections**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the treatment works prior to the effective date of Town Code Chapter 83.1 and these regulations and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Town Administrator for a wastewater discharge permit in accordance with these regulations, and shall not cause or allow discharges to the treatment works to continue after sixty (60) days of the effective date of these regulations except in accordance with a wastewater discharge permit issued by the Town Administrator.

### **Wastewater Discharge Permitting: New Connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the treatment works shall obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with these regulations shall be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

### **Wastewater Discharge Permit Application Contents**

All users required to obtain a wastewater discharge permit shall submit a permit application to the Town Administrator. The Town Administrator may require all users to submit as part of an application the following information:

- A. All information required by Chapter 83.1 of the Town Code and these regulations;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the treatment works;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Town Administrator to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the applicant for revision.

## **Application Signatories and Certification**

All wastewater discharge permit applications and user reports shall be signed by an authorized representative of the applicant and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## **Wastewater Discharge Permit Decisions**

The Town Administrator shall evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Town Administrator shall determine whether or not to issue a wastewater discharge permit. The Town Administrator may deny any application for a wastewater discharge permit.

## **Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Town Administrator. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

## **Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Town Administrator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the treatment works.

- A. Wastewater discharge permits shall contain:
- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Town in accordance with these regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits based on applicable pretreatment standards;

- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the treatment works;
  - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the treatment works;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (7) A statement that compliance with the wastewater discharge permit shall not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
  - (8) Other conditions as deemed appropriate by the Town Administrator to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

### **Wastewater Discharge Permit Modification**

The Town Administrator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit's issuance;
- C. A change in the treatment works that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town's treatment works, Town personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Town Administrator and the Town Administrator approves the wastewater discharge permit transfer. The notice to the Town Administrator must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer and a new permit application shall be made before proceeding with operations.

#### **Wastewater Discharge Permit Revocation**

The Town Administrator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Town Administrator of significant changes to the wastewater prior to the changed discharge;

- B. Failure to provide prior notification to the Town Administrator of changed conditions pursuant to these regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Town Administrator timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

### **Wastewater Discharge Permit Reissuance**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with these regulations, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

### **Miscellaneous Items**

#### **Special arrangements**

No statement contained in the Town Code or these regulations shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial user.

## **Control manhole**

When required by the Town, the owner of any property serviced by a sewer lateral carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the sewer lateral to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

## **Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

## **Measurement, tests and analyses**

Except as otherwise specifically provided, all measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the sewer lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Town treatment works and to determine the existence of hazards to life, limb and property.

## **Pretreatment of Wastewater**

### **Categorical Pretreatment Standards**

- A. No person shall discharge or cause to be discharged to any treatment works, wastewaters containing substances subject to an applicable Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in these regulations. Compliance with such applicable pretreatment standards shall be within three (3) years of the date the standard is promulgated, provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.
- B. The Town Administrator shall notify any industrial user affected by the provisions of these regulations and establish an enforceable compliance schedule for each.
- C. No person shall discharge trucked hazardous wastes to the Town's treatment works.

## **State Pretreatment Standards**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in these regulations.

## **Local Limits; Revisions**

- A. The Town Administrator may impose mass limitations in addition to, or in place of, the concentration-based limitations above. In the event the Town Administrator sets such limits, no person shall discharge wastewater containing concentrations of such elements exceeding the limits set by the Town Administrator.
- B. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the treatment works.

## **Dilution**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Town Administrator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **Authority to reject or require pretreatment, control or payment**

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, if it appears likely, in the opinion of the Town Administrator, that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Town Administrator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances prohibited are:
  - (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.).
  - (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150° F.).
  - (3) Any garbage that has not been properly shredded.
  - (4) Any waters or wastes containing strong acid, iron-pickling wastes or concentrated plating solutions, whether neutralized or not.

- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Town Administrator for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town Administrator, as necessary, after treatment of the composite wastewater, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Administrator in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of nine point zero (9.0).
- (9) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended solids or of dissolved solids.
  - (b) Excessive discoloration.
  - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - (d) Unusual volume of flow or concentration of wastes constituting slugs.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

B. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain substances or possess the characteristics enumerated above and which, in the judgment of the Town Administrator, may have a deleterious effect upon the wastewater works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town Administrator may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.

- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Town Code Chapter 83.1.
- C. If the Town Administrator permits or requires pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town Administrator and subject to the requirements of all applicable codes, ordinances and laws. Likewise, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

## **Reporting Requirements**

### **Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the treatment works shall submit to the Town Administrator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Town Administrator a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the treatment works from the regulated processes.
  - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the treatment works from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of Pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process.

- (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Town Administrator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in these regulations.
- (c) Sampling must be performed in accordance with procedures set out in these regulations.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet these regulations.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with these regulations.

### **Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by these regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Town Administrator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Town Administrator.

## **Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the treatment works, any user subject to such pretreatment standards and requirements shall submit to the Town Administrator a report containing the information described in these regulations. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with these regulations.

## **Periodic Compliance Reports**

- A. All significant industrial users shall, at a frequency determined by the Town Administrator, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with these regulations.
- B. All wastewater samples shall be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town Administrator, using the procedures prescribed in these regulations, the results of this monitoring shall be included in the report.

## **Reports of Changed Conditions**

Each user shall notify the Town Administrator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- A. The Town Administrator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under these regulations.
- B. The Town Administrator may issue a wastewater discharge permit as allowed under these regulations or modify an existing wastewater discharge permit as allowed under these regulations in response to changed conditions or anticipated changed conditions.

- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

### **Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the treatment works, the user shall immediately telephone and notify the Town Administrator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Town Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to Town Code Chapter 83.1 or these regulations.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

### **Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town Administrator as the Town Administrator may require.

### **Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user shall notify the Town Administrator within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town Administrator within thirty (30) days after becoming aware of the violation. The user shall not be required to resample if the Town Administrator monitors at the user's facility at least once a month, or if the Town Administrator samples between the user's initial sampling and when the user receives the results of this sampling.

### **Record Keeping; Confidentiality**

- A. Users subject to the reporting requirements of these regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent

of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Town Administrator.

- B. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Town Administrator's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town Administrator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES OR VPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## ARTICLE 4 - WATER AND SEWER LATERAL MAINTENANCE POLICY

### PURPOSE

This policy is intended to clarify the maintenance responsibilities for all water and sewer laterals that serve properties within the Town of Middleburg. For the purpose of review, a water and sewer lateral is the individual line that serves a dwelling or building.

### WATER

1. All water laterals must be installed in accordance with all applicable specifications as adopted by the Town Council. The exact location of the lateral and water meter must be approved by the Town Administrator in advance of installation.
2. Upon approval by the Town Administrator, the Town of Middleburg shall be responsible for the section of the lateral that runs from the public water main to the meter, provided:
  - (a) The meter is located either in the public right-of-way or within five (5) feet of the property line;
  - (b) The length of the lateral from the main to the meter is no more than thirty-five (35) feet;
  - (c) The lateral does not cross the private property of a third party; and,

- (d) The lateral from the main to the meter is in acceptable condition as determined by the Town Administrator; and,
- (e) The meter is not located within a building or structure.

In the event an existing meter is located more than five (5) feet from the property line or is located within a building or structure, the Town will accept maintenance of the lateral between the main and the meter if the property owner relocates the meter to within five (5) feet of the property line and outside of any structure, and provided the lateral meets the above conditions. The applicable meter relocation fee shall be paid by the property owner prior to meter relocation.

In order for the Town to accept maintenance responsibility for private laterals meeting the above requirements, the property owner must also comply with the following requirements:

- a) A public access easement in a form approved by the Town Attorney and accepted by the Town Council must be recorded at the property owner's expense for any portion of the lateral and the meter that are on private property.
  - b) Verification must be provided that the line is not a privately maintained system that is the responsibility of multiple property owners or a homeowners association.
3. In any event, the property owner shall be responsible for the maintenance of the water lateral beginning at the meter all the way into the dwelling or building. The property owner shall also be responsible for the repairs and maintenance of the entire plumbing system located within the dwelling or building.

## **SEWER**

- 1. All sewer laterals must be installed in accordance with all applicable specifications as adopted by the Town Council. The exact location of the lateral and clean-out must be approved by the Town Administrator in advance of installation.
- 2. Upon approval by the Town Administrator, the Town shall be responsible for the sewer lateral from the main to the property line provided:
  - (a) The main is located no further than thirty-five (35) feet from the property line;
  - (b) The lateral does not cross the private property of a third party; and
  - (c) The lateral contains a clean-out at the property line.

In order for the Town to accept maintenance responsibility for private laterals meeting the above requirements, the property owner must also comply with the following requirements:

- a) A public access easement in a form approved by the Town Attorney and accepted by the Town Council must be recorded at the property owner's expense for any portion of the lateral and the clean-out that are on private property.
- b) Verification must be provided that the line is not a privately maintained system that is the responsibility of multiple property owners or a homeowners association.

4. In any event, the property owner shall be responsible for the repair and maintenance of the sewer lateral beginning at the property line all the way into the dwelling or building. The property owner shall also be responsible for any blockages or breaks that occur on the Town maintained section of the sewer lateral due to the property owner or occupants' negligence due to the inappropriate disposal of solids or non-water soluble items through the sewer system or inappropriate activities by the property owner or occupant that has compromised the performance of the lateral. If the Town has already completed the repair, the property owner shall reimburse the Town for its expenses in making said repair. The property owner shall also be responsible for the repairs and maintenance of the entire plumbing system located within the dwelling or building.
  
3. In the event a property contains an older lateral that does not contain a clean-out at the property line, upon the approval and determination of the Town that the existing lateral meets applicable Town specifications, the property owner may install a clean-out at the property line and request that the Town accept maintenance responsibility for that portion of the lateral between the main and the property line. Should the lateral not meet applicable Town specifications, the property owner, with prior Town approval, may replace the existing lateral with one that meets Town specifications and the requirements of this Article in order for the Town to accept maintenance responsibility in accordance with this Article.

ARTICLE 5 - APPLICATION TO CONNECT TO AND/OR EXTEND  
SANITARY SEWER MAINS

- A. An application for approval to connect with and/or extend the Town treatment works shall include the following information:

TO THE TOWN OF MIDDLEBURG, VIRGINIA:

The undersigned being the \_\_\_\_\_ (owner) \_\_\_\_\_ of the property herein described \_\_\_\_\_ (the address) \_\_\_\_\_ does hereby request a permit to connect with and/or extend the wastewater treatment works of the Town of Middleburg, Virginia, provided:

- A. A plat of the property showing accurately all sewers and drains now existing is attached hereto as Exhibit A.
  
- B. Plans and specifications covering all work proposed to be performed under this permit are attached hereto as Exhibit B.
  
- C. The name and address of the person or firm who will perform the work covered by the permit is \_\_\_\_\_.
  
- D. In consideration of the granting of this approval, the undersigned agrees:

1. To accept and abide by the provisions of the Sanitary Sewer Ordinance of the Town of Middleburg and all other pertinent Town, County, State or Federal ordinances or regulations.
2. To install all facilities in strict accordance with the approved plans.
3. To post a bond or cash deposit as required by the Town with the Town in a sum deemed to be sufficient by the Town to guarantee the satisfactory installation of the facilities and satisfactory compliance with the provisions of this application.
4. To extend the sewer line and appurtenances at his expense.
5. If extension of the sewer main is necessary, to size the sewer main to serve the entire watershed. The design flow shall be based on the highest density of development projected for the watershed, to be determined by the Town Engineer.
6. If extension of the sewer main is necessary, to submit to the Town, upon completion and acceptance of the line by the Town, proof of payment of the invoices of the actual sewer line cost.
7. To plug or seal any part of the treatment works extended by him to prevent the entrance of debris and the use of such facilities during construction for general drainage or other purposes.
8. To maintain such treatment works extended by him in a clean and normal operating condition until such time as the facilities are accepted by the Town.
9. If extension of the sewer main is necessary, to make all new and existing manholes accessible and properly adjust them to final street surface elevations upon completion of roadway surfacing operations.
10. If extension of the sewer main is necessary, to assume liability for any and all claims arising out of or in connection with damages to the property to be served by the facilities; to other properties and to the facilities of the Town incurred by reason of the installation, operation and use of the facilities, until such time as the facilities are accepted by the Town.
11. If extension of the sewer main is necessary, to furnish the Town detailed plans, prepared and sealed by a certified professional engineer, showing all facilities as actually built and easements as recorded, prior to acceptance of such facilities by the Town.
12. If extension of the sewer main is necessary, to convey to the Town, by appropriate instrument at the time of completion, the completed sewer main, along with all permanent easements and/or fee simple title to the land containing the sewer main as required by the Town's Subdivision and Site Plan Ordinance and as accepted by the Town Attorney.

13. To make no sewer lateral connection(s) without first obtaining written permission therefore as required by the Sewer Ordinance of the Town of Middleburg.
14. To pay for any and all charges for the use of the public treatment works of the Town when and as due until such time as he arranges for the transfer of the sewer service accounts entered in his name to the name of the person or persons who acquired title to the above-described property; and, in order to effectuate the transfer of such accounts, he will arrange for the processing of such transfers at the time of sale, rental or lease of each parcel of the above described property.
15. To pay for any and all expenses incurred by the Town for engineering, inspections and clerical work involved in the installation of the facilities and satisfactory completion thereof.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Approved by Council

\_\_\_\_\_  
Title of Applicant

\_\_\_\_\_  
Town Administrator

\_\_\_\_\_  
Address of Applicant